

Update: Traffic Benchbook— Revised Edition, Volume 1

CHAPTER 2

Civil Infractions

2.4 Parking, Stopping, or Standing

E. Unattended Vehicle

On page 2-13, replace the language in subsection E with the following:

“A person shall not allow a motor vehicle to stand on a highway unattended without engaging the parking brake or placing the vehicle in park and stopping the motor of the vehicle. If the vehicle is standing upon a grade, the front wheels of the vehicle shall be turned to the curb or side of the highway.”
MCL 257.676(1).*

*Effective
October 17,
2003, 2003 PA
184.

2.8 Speed Violations

H. Evidence in a Speed Case

2. Speed measuring devices

Insert the following case summary near the top of page 2-34 immediately before the bulleted information concerning “Visual Average Speed Computer and Recorder”:

The requirement that a speedometer be serviced *as recommended* “does not preclude the possibility that *no* service may be recommended.” *People v Strawcutter*, ___ Mich App ___, ___ (2003). The defendant in *Strawcutter* argued that evidence obtained from the radar speedmeter used to cite him for speeding was improperly admitted because the speedmeter had not been serviced for approximately 13 months, and the police officer was unaware of any servicing guidelines recommended by the speedmeter’s manufacturer. *Id.* at ___. On appeal, the circuit court found that the officer’s lack of knowledge about the manufacturer’s service requirements constituted a failure to comply with the requirements of *People v Ferency*. *Id.* at ___. The Michigan Court of Appeals disagreed and affirmed the district court’s finding that the defendant was responsible for a speeding violation. *Id.* at ___. According to the *Strawcutter* Court, “[the police officer] complied with the relevant servicing requirements under *Ferency*: no servicing was recommended and no servicing was performed.” *Id.* at ___.